

DEVIN DERHAM-BURK #104353  
CHAPTER 13 STANDING TRUSTEE  
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:

PHAN, JENNIFER

Debtor(s)

)  
)  
) Chapter 13  
) Case No. 10-5-0707 RLE  
)  
) TRUSTEE'S OBJECTION TO  
) CONFIRMATION WITH CERTIFICATE OF  
) SERVICE  
)  
) 341 Meeting: Date: MAY 7, 2010 @ 1:30 PM  
) Pre-Hearing Conference Date: MAY 20, 2010  
) Pre-Hearing Conference Time: 2:00 PM  
) Place: 280 S. 1<sup>st</sup> Street Room 3099  
) San Jose, CA  
) Judge: Roger L. Efremsky

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this 1% Plan for the following reasons:

1. The Trustee is unable to determine if 11 U.S.C. § 1325(a)(4) is met. The debtor has over exempted the 1000 Peterbilt under CCP § 704.060. The maximum amount allowed under this exemption is \$4,850.00. The debtors must amend Schedule C accordingly.
2. Pursuant to the review of the pay advices provided for the non-filing spouse it appears that his average monthly withholdings is approximately \$360.00 not \$1,125.00 as listed on Schedule I. The debtor must amend Schedule I accordingly. Because of this

1 inconsistency, the Trustee cannot determine whether the plan is feasible under 11 U.S.C.  
2 § 1325(a)(6).  
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5 Dated: May 5, 2010

/S/ Devin Derham-Burk

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7 Chapter 13 Trustee  
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Said envelopes were addressed as follows:

LAW OFFICES OF DAVID BOONE  
1611 THE ALAMEDA  
SAN JOSE CA 95126

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